

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROGER SANFORD,
Plaintiff,

v.

INHALIO, INC,
Defendant.

Case No. 22-cv-06090-SVK

**ORDER TO SHOW CAUSE RE
DISMISSAL**

Plaintiff Roger Sanford filed this action on October 14, 2022. Dkt. 1. On January 3, 2023, Plaintiff filed a declaration of counsel and case management statement indicating that Defendant Inhalio, Inc. had not yet been served despite several service attempts. Dkt. 8. The Court then set a deadline of February 13, 2023 for Plaintiff to file either a proof of service or a motion for leave to serve by alternative means. Dkt. 10. On February 10, 2023, Plaintiff filed a proof of service, stating that Defendant had been served on January 5, 2023. Dkt. 10.

On April 4, 2023, Plaintiff filed another declaration of counsel and case management statement indicating that Plaintiff intended to file a motion for default judgment. Dkt. 12. On April 6, 2023, the Court issued a Clerk's Notice setting a deadline of April 20, 2023 for Plaintiff to file a request for entry of default. Dkt. 13. The Court also stated that a motion for default judgment was due no later than 14 days from entry of default. *Id.*

Plaintiff filed a request for entry of default on April 11, 2023. Dkt. 14. On April 19, 2023, the Clerk declined to enter default because of inadequate service. Dkt. 15. Nothing in the record indicates any additional attempts by Plaintiff to complete service. On June 21, 2023, Plaintiff filed a First Amended Complaint. Dkt. 16.

Plaintiff has consented to the jurisdiction of a magistrate judge. Dkt. 4. Defendant has not yet appeared or consented/declined the jurisdiction of a magistrate judge.

1 In light of the foregoing, the Court **ORDERS** Plaintiff to appear on **July 11, 2023 at 10:00**
2 **a.m.** and show cause why the Court should not reassign the case to a District Judge with a
3 recommendation that the case be dismissed for failure to prosecute. Plaintiff must also file a
4 response to this Order to Show Cause by **July 5, 2023** that addresses (1) Plaintiff's efforts to serve
5 Defendant, and (2) whether Plaintiff's amended complaint is permissible as of right under Federal
6 Rule of Civil Procedure 15(a)(1).

7 **SO ORDERED.**

8 Dated: June 22, 2023

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11 SUSAN VAN KEULEN
12 United States Magistrate Judge
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